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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/194,317	11/24/1998	SIMON J. POWERS	36-1298	3060

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EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 06/18/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/194,317

Applicant(s)

POWERS ET AL.

Examiner

Charles E Anya

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1, 2 and 8-13 is/are rejected.  
7) ☒ Claim(s) 3-7 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/14/04.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-13 are pending in this application.
2. After reviewing applicant's argument of 3/1/04 the office action of 11/28/03 is hereby withdrawn.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities:  
Claim 1 appears to include typographical error on line 13 "one or more visual-model mangers". For the purpose of this office action the examiner change the phrase "one or more visual-model mangers" to "one or more visual-model managers".

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,2 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,377,263 B1 to Falacara et al. in view of U. S. Pat. No. 6,414,684 B1 to Mochizuki et al.

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6. As to claim 1, Falacara teaches apparatus for providing a virtual environment, said virtual environment arranged to include one or more entities, the or each entity being represented in the virtual environment by at least a conceptual entity-model, a dynamic entity-model and a visual entity-model, each of said entity models being mutually independent (Col. 6 Ln. 63 – 67, Col. 7 Ln. 1 – 2, Col. 7 Ln. 63 – 67, Col. 8 Ln. 1 – 7), said apparatus comprising: server applications arranged to provide: a conceptual-model manager, said conceptual-model manager arranged to provide one or more dynamic-model managers, the or each dynamic-model manager arranged to provide dynamic entity-models (Col. 10 Ln. 18 – 29: NOTE: The libraries (component and world libraries) could be transferred from the internet, thus could reside on a server), one or more client apparatuses, the or each client apparatus arranged to provide one or more visual-model managers respectively, said one or more visual-model managers each arranged to provide visual entity-models (“...geometry model...” Col. 6 Ln. 59 – 60), and communications apparatus arranged to allow transmission of messages between said conceptual-model manager, said one or more dynamic-model managers and said one or more visual-model managers (Col. 11 Ln. 35 – 40).

7. Although Falacara teaches a conceptual entity-model (“...rule...” Col. 7 Ln. 63 – 67, Col. 8 Ln. 1 – 7), he is silent with reference to a server application arranged to provide conceptual entity-models.

8. Mochizuki teaches to a server application arranged to provide conceptual entity-models (Col. 42 Ln. 23 – 43).

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9. It would have been obvious to one of ordinary skill in the art at the time the invention made to combine the teachings of Mochizuki and Falacara because the teaching of Mochizuki would improve the system of Falacara by providing animated data to a client (Col. 42 Ln. 23 – 43).

10. As to claim 2, Falacara teaches apparatus according to claim 1, in which the server apparatus is arranged to provide a plurality of dynamic-model managers (figure 2 Col. 9 Ln. 39 – 59), wherein said plurality of dynamic-model managers is distributed across a plurality of independent servers. Although Falacara is silent with reference to the plurality of dynamic-model managers been distributed across a plurality of independent servers, it is provided on the Internet, thus would be distributed.

11. As to claim 8, Falacara teaches apparatus as claimed in claim 1 in which, in use said dynamic-model manager is executed from a compiled language whereas said model manager is executed from an interpreted language (Col. 7 Ln. 56 – 62).

12. As to claims 9 – 13, see the rejection of claim 1.

***Allowable Subject Matter***

13. Claims 3 – 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1 - 13 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-3411. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya  
Examiner  
Art Unit 2126

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